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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/045,119

10/17/2001

Mark Maggenti

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04/04/2005

Qualcomm Incorporated
Patents Department
5775 Morehouse Drive
San Diego, CA 92121-1714

EXAMINER

NGUYEN, THUAN T

ART UNIT

PAPER NUMBER

2685

DATE MAILED: 04/04/2005

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/045,119

Applicant(s)

MAGGENTI ET AL.

Examiner

THUAN T. NGUYEN

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2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Remarks

1. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection. Please disregard the previous office action.

Claim Rejections - 35 USC 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Dailey (U.S. Patent No. 6,449,491 B1).

Regarding claim 1, Dailey discloses a method for determining whether a communication device in a group communication network has been inactive for a predetermined time period, and causing to put the communication device to enter a dormant mode, i.e., after a predetermined time period, if a terminal does not active or request a new group call, the system put the device in a sleep mode (col. 5/lines 53-58; and Fig. 8/step 840).

As for claim 2, Dailey further suggests to include maintaining sufficient connection for the communication device an out-of-dormant request, i.e., the system allows the communication

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device sufficient times to have an out-of-dormant request or initiates a group call (col. 3/line 52 to col. 4/line 6).

As for claim 3, Dailey further suggests the communication device may ignore a go-dormant order, i.e., before an elapsed time to enter the sleep mode, a user of the communication device can resume or get out of the automatic "sleep mode" from the system (as an order) by activating a new group call by pushing a PTT button on the device (see col. 5/line 58-to col. 6/line 2; and Fig. 8, the step between step 835 & step 840).

As for claim 4, Dailey further discloses informing each participating communication device in the network that the net is put in the dormant mode, i.e., within a group communication, one user or one communication device can be a group controller of the whole group, and as that one device terminates and gives a release message to the whole group and goes to the sleep mode or dormant mode, the net is understood to be in the dormant mode (Fig. 8, at steps 823 & 835 as the release message communicates to all users within the group, and col. 10/lines 33-38).

Regarding claim 5, Dailey further discloses a method for putting the communication device into a dormant mode, comprising the steps of receiving a command to enter a dormant mode, and releasing a traffic channel associated with the communication device in response to the command (col. 10/lines 33-58; and Fig. 8 at steps 825, 830, 835 as the user release the PTT button sending a request to enter a sleep mode, a traffic channel being assigned to the user is releasing with the release message to other users).

As for claims 6-8, these method claims with same limitations earlier are rejected for the reasons given in the scope of claims 2-4 as discussed in details above.

As for claim 9, Dailey discloses, in a communication device operating in a group communication network, a method for bringing the communication device out of the dormant mode comprising receiving a floor-control request, and bringing the device out of the dormant mode is the request is granted, i.e., the user pushes a PTT button on the device (Fig. 5/item 460) for a floor control request (regarding as the originating terminal for take control of the group call), as soon as the system verify and confirms that a traffic channel is available and ready to use, other users can not take over the floor-control (did not “win” the traffic channel as quoted by Dailey, see col. 9/line 35 to col. 10/line 20), this process brings the communication device out of the dormant mode (as illustrate in a routine process for enter the sleep mode 840 and start again at step 805).

As for claims 10 and 14, these claims are for a computer-readable medium and a communication device, respectively, using the same method as claimed in claim 1 are rejected for the reasons given in the scope of claim 1 above.

As for claims 11 and 15, these claims are for a computer-readable medium and a communication device, respectively, using the same method as claimed in claim 5 are rejected for the reasons given in the scope of claim 5 above.

As for claims 12 and 13, these claims are for a computer-readable medium and a communication device, respectively, using the same method as claimed in claim 9 are rejected for the reasons given in the scope of claim 9 above.

Regarding claims 16-18, these claims simply refer to common elements within a communication device comprising a receiver, a transmitter, a processor, which also taught by Dailey (Fig. 5 for a transceiver 480 including a transmitter and a receiver, a controller 470

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regarding as a processor, and col. 7/lines 7-42) using methods as cited earlier in claims 1, 5 and 9 are rejected for the reason given in the scope of claims 1, 5, and 9 as discussed in details above.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Ganucheau, Jr. et al, Balasuriya, Brame, Borrás (in PTO 892 attached) disclose systems related to PTT systems and dormant mode.

5. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9306, (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II,

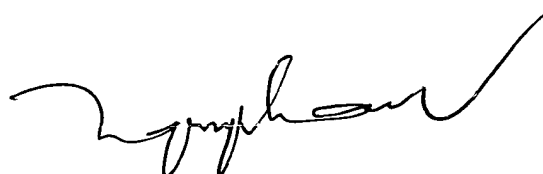
2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tony Thuan Nguyen whose telephone number is (571) 272-7895.

The examiner can normally be reached on Monday-Friday from 9:30 AM to 7:00 PM, with alternate Fridays off.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600 Customer Service Office** whose telephone number is **(703) 306-0377**.

A handwritten signature in black ink, appearing to read 'Tony T. Nguyen', with a stylized flourish at the end.

**TONY T. NGUYEN
PATENT EXAMINER**

Tony T. Nguyen
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March 25, 2005